

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN P. "JACK" FLYNN and LESLIE A. FLYNN,

Plaintiffs,

-v-

CABLE NEWS NETWORK, INC.,

Defendant.

CIVIL ACTION NO.: 21 Civ. 2587 (GHW) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephonic discovery conference held today, November 23, 2022 (the "Conference"), the Court orders as follows:

1. The fact discovery deadline is EXTENDED to **April 17, 2023**. Within one week of the close of fact discovery, that is by **April 24, 2023**, the parties must file a joint letter on the docket certifying that fact discovery is complete.
2. With respect to the pre-conference letter submitted by Plaintiffs John P. "Jack" Flynn and Leslie A. Flynn (the "Flynn's") (ECF No. 95), the Court orders as follows:
 - a. Defendant Cable News Network, Inc. ("CNN") shall produce any remaining documents relating to CNN's ratings and viewership of the Report (ECF No. 1 ¶ 4).
 - b. CNN shall conduct a reasonable search for and produce copies of the "Special Report[s]" hosted by Anderson Cooper that aired on (i) January 31, 2021, and (ii) February 26, 2021.

- c. CNN will confirm that Donie O’Sullivan’s (“O’Sullivan”) social media accounts were searched for mentions of the Flynns, and CNN shall produce any additional responsive documents.
 - d. The Flynns’ requests for documents concerning the positions CNN has taken in prior reports regarding what constitutes a “QAnon follower,” and O’Sullivan’s employment agreement(s) are DENIED WITHOUT PREJUDICE.
 - e. The Court DENIES the Flynns’ remaining requests for:
 - i. “Dossiers and research on Trump, General Flynn or QAnon;”
 - ii. “Communications with the J6 Committee regarding General Flynn and/or QAnon;”
 - iii. “All documents that show General Flynn promoted any ‘QAnon slogan’;”
 - iv. “Any evidence that supports the contention that General Flynn is a QAnon follower;”
 - v. “Any documents in Anderson Cooper’s possession and control that mention any member of the Flynn family;” and
 - vi. “CNN[’s] tax returns and other support for its ‘book value’ estimate of net worth[.]”
3. To the extent CNN’s pre-conference letters (ECF Nos. 94; 96) request the production of outstanding discovery, the Court orders as follows:
- a. As required by the Court’s order dated October 28, 2022 (ECF No. 91 (the “Oct. 28 Order”)) the Flynns shall advise CNN which email and social media accounts

they have searched and which search terms and date ranges they used, and the parties shall meet and confer to assess (i) which additional search terms should be applied, and (ii) to which accounts.

- b. The Flynns' counsel shall conduct a search of the following additional email accounts: (1) Lori Flynn, andrades7@icloud.com; (2) Michael Flynn, Jr., mgf83@protonmail.com; (3) Joseph Flynn, joe.flynn@vereco.com; and (4) General Flynn, rpatriot@mailsol.net.
 - c. The Flynns' counsel shall provide the notarized consent of Lori Flynn, including an email address and telephone number, that CNN needs to request her social media account data from Parler.
 - d. The Flynns shall produce to CNN (i) a list of phone numbers for which text messages have been searched, and (ii) to which of the Flynns they correspond.
4. The parties shall produce the documents described in this Order, and any outstanding items from the Oct. 28 Order, by **Thursday, December 15, 2022**.
 5. The parties shall order a transcript of the Conference and file it on the docket. The parties shall submit a single request to: etranscripts@nysd.uscourts.gov by **Monday, November 28, 2022**.
 6. The Court will issue an order regarding the privilege log issued outlined in the Flynns' letter (ECF No. 80) and discussed in the October 28, 2022 conference (ECF min. entry Oct. 28, 2022; see ECF No. 92) in due course.
 7. A telephonic status conference is scheduled for **Tuesday, March 21, 2023 at 10:00 a.m.**, on the Court's conference line. The parties are directed to call: (866) 390-1828;

access code: 380-9799, at the scheduled time. By **5:00 pm on Thursday, March 16, 2023**, any party wishing to do so may file a letter of no longer than three (3) pages listing discovery disputes requiring the Court's attention.

8. The Clerk of Court is respectfully directed to close ECF No. 95.

Dated: New York, New York
November 23, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge